

**RED RIVER MFG.**

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Docket Management
National Highway Traffic Safety Administration
Room PL-401
400 Seventh Street, S.W.
Washington, D.C. 20590

01/17/05 AM 7:51
RECEIVED

Re: Docket No. NHTSA-2001-8827, Notice 1-18

To Docket Management:

Red River Manufacturing, A Division of Trail King Industries, Inc. ("Red River"), hereby files these comments in support of the petition of Dan Hill Associates, Inc. ("Dan Hill") for a temporary exemption of one year from Federal Motor Vehicle Safety Standard No. 224, *Rear Impact Protection* ("Standard No. 224"). Based on a review of the Federal Register notice (published Feb. 13, 2001) and the publicly available version of Dan Hill's petition, it appears that Dan Hill is seeking this exemption because it has been unable to develop a safe, compliant rear impact guard for its construction horizontal discharge trailers. (Such trailers also are known as "Construction Live Bottom trailers" and will be referred to as such in these comments.)

Red River is Dan Hill's principal competitor in the Construction Live Bottom trailer market. Like Dan Hill, we have been the beneficiaries of several temporary exemptions from Standard No. 224. During these exemption periods, we have worked diligently to design a safe, compliant, commercially acceptable rear impact guard for our Construction Live Bottom trailers. Unfortunately, like Dan Hill, we have experienced serious difficulties in designing such a guard, although we have, through significant investments in design, engineering, and testing, successfully achieved compliance with Standard No. 224 for our other product lines.

In part, the difficulties in designing a compliant, commercially and technically acceptable guard for Construction Live Bottom trailers result from the fact that a fixed rear guard cannot be used on such trailers. A fixed guard prevents the trailers from working with asphalt pavers. Because a fixed guard cannot be used, Red River concluded that compliance with Standard No. 224, as currently drafted, would require the use of a retractable guard (or some other alternative to a fixed guard).

Red River has been unable to develop a commercially and technically acceptable alternative to a fixed guard. Having ruled out other options as commercially and/or technically infeasible, Red River sought to develop a retractable guard for its Construction Live Bottom trailers. In road construction and paving operations, a retractable guard must (a) comply with the strength and energy requirements of Federal Motor Vehicle Safety Standard No. 223; (b) provide the clearances necessary for the trailers to work with the variety of asphalt paver hoppers that are in use today; and (c) provide reliable retraction and extension despite the accumulation of asphalt and dirt that is typically encountered in road construction and paving operations. Because of the difficulties that Red River has encountered in meeting these exacting criteria, and our increasing concerns that it will not be technically or commercially feasible to do so, Red River, like Dan Hill, has found it necessary to petition for a renewal of our temporary exemption. We submitted our petition on February 28, 2001.

We support Dan Hill's petition and urge the agency to process our respective petitions in tandem and to grant them at the same time, in order to avoid upsetting the existing competitive balance between Dan Hill and Red River. Such exemptions will afford Red River and Dan Hill the opportunity to petition the agency for a rulemaking that would exempt Construction Live Bottom trailers from compliance with Standard No. 224. Unless Standard No. 224 is amended to exempt Construction Live Bottom trailers from its coverage, Red River and Dan Hill, which are the principal manufacturers of Construction Live Bottom trailers, will probably will have to suspend the production of such trailers for the domestic market.

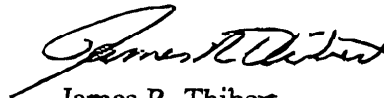
As a result, the road construction and paving industry will face the loss of Construction Live Bottom trailers, which have numerous advantages over their principal competitor, the steel end dump trailer. As compared to end dump trailers, Construction Live Bottom trailers provide cleaner, more precise, and more controlled off-loading. In addition, because the hoppers of Live Bottom trailers do not rise to unload their contents (as do dump trailers), Live Bottom trailers can be used on uneven terrain or where overhead obstacles, such as bridges or power lines, would make the utilization of end dump trailers impractical or dangerous. Finally, the design of Construction Live Bottoms reduces asphalt material segregation during transportation.

The inability to produce Construction Live Bottom trailers for the U.S. market also will be very detrimental to Red River, Dan Hill, and their respective employees. Red River and Dan Hill would, at a minimum, face sharp declines in overall revenues if they had to stop producing the trailers for the U.S. market. This, in turn, would require them to significantly reduce the size of their respective labor forces.

* * * *

Red River, therefore, supports Dan Hill's petition for a temporary exemption. Red River urges the agency to process Red River's and Dan Hill's petitions for temporary exemption in tandem and to grant both of them at the same time. A temporary exemption would afford the companies an opportunity to petition for a rulemaking to exempt Construction Live Bottom trailers from compliance with Standard No. 224, thereby preserving trailers that are valuable to this nation's road building and paving industry while preserving the health of our companies and the jobs our employees.

Sincerely,



James R. Thibert
VP Operations

cc: Stephen R. Kratzke